

House Bill 183 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31st and Powell of the 29th

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle certificates of title, security interests, and liens, so as to change certain provisions relating to definitions; to change certain provisions relating to salvaged or rebuilt motor vehicles, inspections, and fees; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of title, security interests, and liens, is amended by revising Code Section 40-3-2, relating to definitions, as follows:

"40-3-2.

As used in this chapter, the term:

(1) 'Boat trailer' means any vehicle without motive power designed for carrying boats, either partially or wholly on its own structure, which is being drawn by a self-propelled vehicle and operated over the public roads of this state.

(2) 'Commissioner' means the state revenue commissioner.

~~(2.1) 'Department' means the Department of Revenue.~~

(3) 'Dealer' means a 'dealer' as defined in Code Section 40-1-1, to whom current dealer registration plates have been issued by the commissioner.

(3.1) 'Department' means the Department of Revenue.

(4) 'Homemade trailer' means a vehicle without motive power, designed for carrying persons or property either partially or wholly on its own structure and for being drawn by a self-propelled vehicle other than a self-propelled vehicle running exclusively on tracks, which trailer has been manufactured and constructed from component parts for personal use and not for the purpose of commercial resale.

(5) 'Identifying number' means the numbers and letters, if any, on a vehicle designated by the commissioner for the purpose of identifying the vehicle.

(6) 'Lien' means any lien created by operation of law and not by contract or agreement with respect to a vehicle and includes all liens mentioned in Code Section 44-14-320, other than that in paragraph (5) thereof, and all liens for taxes due the United States of America, constructive notice of which is given by filing notice thereof in the office designated by state law.

(7) 'Lienholder' means a person holding a lien created by operation of law on a motor vehicle.

(8) To 'mail' means to deposit in the United States mail properly addressed and with postage paid.

(9) 'Major component part' means any one of the following subassemblies of a motor vehicle:

(A) Front clip assembly (fenders, hood, and bumper);

(B) Rear clip assembly (quarter panels, floor panel assembly, and roof assembly, excluding a soft top);

(C) Engine and transmission;

(D) Frame; or

(E) Complete side (fenders, door, and quarter panel).

(9.1) 'Natural person' means an individual human being and does not include any firm, partnership, association, corporation, or trust.

(10) 'Rebuilt motor vehicle' means any motor vehicle which has been damaged and subsequently restored to an operable condition by the replacement of two or more major component parts.

(11) 'Salvage motor vehicle' means any motor vehicle:

(A) Which has been damaged to the extent that its restoration to an operable condition would require the replacement of two or more major component parts;

(B) For which an insurance company has paid a total loss claim and the vehicle has not been repaired, regardless of the extent of damage to such vehicle or the number of major component parts required to repair such vehicle, but shall not mean or include any stolen motor vehicle which has been recovered with the public manufacturer's vehicle identification number plate intact and the vehicle:

(i) Is undamaged;

(ii) Has only cosmetic damage; or

(iii) Has been damaged but only to the extent that its restoration to an operable condition will not require the replacement of two or more major component parts;

(C) Which is an imported motor vehicle which has been damaged in shipment and disclaimed by the manufacturer as a result of the damage, has never been the subject of a retail sale to a consumer, and has never been issued a certificate of title.

1 The term salvage motor vehicle shall not include any motor vehicle for which a total loss
2 claim has been paid which vehicle has sustained only cosmetic damage from causes other
3 than fire or flood.

4 ~~(11.1) 'Salvaged-repaired motor vehicle' means any motor vehicle which has been~~
5 ~~damaged and subsequently restored to an operable condition by the replacement of less~~
6 ~~than two major component parts.~~

7 (12) 'Security agreement' means a written agreement which reserves or creates a security
8 interest.

9 (13) 'Security interest' means an interest in a vehicle reserved or created by agreement
10 which secures the payment or performance of an obligation, such as a conditional sales
11 contract, chattel mortgage, bill of sale to secure debt, deed of trust, and the like. This term
12 includes the interest of a lessor under a lease intended as security.

13 (14) 'Security interest holder' means the holder of an interest in a vehicle reserved or
14 created by agreement and which secures payment or performance of an obligation."

15 SECTION 2.

16 Said chapter is further amended by revising subsections (d) and (e) of Code Section 40-3-36,
17 relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles,
18 salvage certificate of title, administrative enforcement, and removal of license plates, as
19 follows:

20 "(d) Any certificate of title which is issued to a salvage motor vehicle, as provided for in
21 this Code section, shall contain the word 'salvage' on the face of the certificate in such a
22 manner as the commissioner may prescribe, so as to indicate clearly that the motor vehicle
23 described is a salvage motor vehicle. The legend ~~'salvaged-repaired'~~ 'rebuilt' in no larger
24 than 12 point font shall be placed on a certificate of title to a vehicle which was declared
25 a salvage vehicle and subsequently repaired with less than two major component parts to
26 restore the vehicle to an operable condition.

27 (e) Notwithstanding this subsection and subsections (c) and (d) of Code Section 40-3-37,
28 the legend 'rebuilt' ~~or 'salvage' or 'salvaged-repaired'~~ shall only be required to be placed on
29 the certificate of title to a vehicle which was declared a salvage vehicle on or after July 1,
30 2004, and which was subsequently rebuilt."

31 SECTION 3.

32 Said chapter is further amended by revising subsection (d) of Code Section 40-3-37, relating
33 to salvaged or rebuilt motor vehicles, inspections, fees, exemption of motorcycles, and glider
34 kits, as follows:

1 "(d)(1)(A) Upon inspection under subsection (b) of this Code section, if it is
2 determined that the motor vehicle has been restored to an operable condition by the
3 replacement of two or more major component parts, a certificate of title may be issued
4 for such motor vehicle which shall contain the word 'rebuilt' on its face in ~~such manner~~
5 ~~as the commissioner shall prescribe~~ no larger than 12 point font. This requirement will
6 indicate to all subsequent owners of the motor vehicle that such is a rebuilt motor
7 vehicle. If any such inspection determines that the motor vehicle shall require the
8 replacement of less than two major component parts in order to restore the motor
9 vehicle to an operable condition, a certificate of title shall be issued for such motor
10 vehicle which shall contain the ~~words 'salvaged-repaired'~~ word 'rebuilt' on its face in
11 such manner as the commissioner shall prescribe. This requirement will indicate to all
12 subsequent owners of the motor vehicle that such is a ~~salvaged-repaired~~ rebuilt motor
13 vehicle.

14 (B) If it is determined that the motor vehicle required or shall require the replacement
15 of two or more major component parts in order to restore the motor vehicle to an
16 operable condition, the ~~person, firm, or corporation restoring or owning such motor~~
17 ~~vehicle~~ department shall cause the word 'rebuilt' to be ~~permanently~~ affixed to said
18 motor vehicle ~~after~~ at the time of inspection by the commissioner. The word 'rebuilt'
19 shall be affixed in a clear and conspicuous manner to the door post or such other
20 location as the commissioner may prescribe. The word 'rebuilt' shall be stamped on ~~the~~
21 ~~motor vehicle or shall be stamped on a metal plate which shall be riveted to the motor~~
22 ~~vehicle or a certificate and~~ shall be ~~permanently~~ affixed to the motor vehicle in such
23 manner as the commissioner may prescribe. The requirement of this subparagraph shall
24 only apply to motor vehicles restored after November 1, 1982.

25 (2) Upon inspection by the commissioner and compliance with paragraph (2) of
26 subsection (b) of this Code section, if it is determined that the motor vehicle does not
27 require the replacement of two or more major components or has not had two or more
28 major components changed, a certificate of title shall be issued and shall contain the
29 ~~words 'salvaged-repaired'~~ word 'rebuilt' on its face.

30 (3) If, after the initial inspection, the commissioner determines that the damage is so
31 extensive that returning such vehicle to a safe, operable condition is impossible, the
32 salvage certificate shall be revoked and such vehicle may only be used for scrap or parts.
33 A vehicle for which such a determination is made shall not be issued a title under any
34 circumstances or conditions including but not limited to obtaining of a surety bond."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.